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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,316	10/17/2003	Fredrick J. Landram	SBL01559	8879

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IP Law Docketing
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EXAMINER	
BAYARD, DJENANE M	

ART UNIT	PAPER NUMBER
2444	

NOTIFICATION DATE	DELIVERY MODE
05/13/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/688,316	LANDRAM ET AL.	
	Examiner	Art Unit	
	DJENANE M. BAYARD	2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 March 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,11-13 and 30-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9, 11-13 and 30-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to communication filed on 3/08/11 in which claims 1-9, 11-13 and 30-33 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-9, 11-13 and 30-33 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's representative argues that the claimed invention recites 'automatically downloading first downloads device specific configuration data from the server to each device, thereby automatically configuring each device individually without user intervention".. Therefore, Amin fails to teach *"automatically* downloading first configuration data and second configuration data, respectively, from the at least one server...". However, the court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art. (*In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) See MPEP 2100-148, Automating Manual Activity).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 1, 3-5, 7-9, 11-12, 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,266371 to Amin et al in view of U.S. Publication No. 2005/0101309 to Croome et al.

a. As per claim 1, Amin et al teaches a method of transacting business in conjunction with a sale of mobile devices, the method comprising the steps of: shipping at least a first mobile device to a first end user and at least a second mobile device to a second end user different from the first end user, the first mobile device and the second mobile device having generally a same hardware and software configuration during shipping (See col. 7, lines 5-7, *plurality of mobile devices*); maintaining on at least one server coupled to a network configuration data for a plurality of mobile devices (See col. 7, lines 36-67); upon receipt of the first mobile device and the second mobile device by the first end user and the second end user, respectively, powering up the first mobile device and the second mobile device (See col. 10, lines 37-39); and upon being powered up, the first mobile device and the second mobile device each a) automatically connecting to the at least one server via the network (See col. 10, lines 44-67, ; b) downloading first configuration data and second configuration data, respectively, from the at least one server, said first and second configuration data defining first and second end user specific operational characteristics of the first and second mobile devices, respectively, the first configuration data and the second configuration data being generally different (See col.

10, lines 13-16, col. 11, lines 45-54 and col. 4, lines 64-67); and c) automatically configuring themselves based on the first configuration data and the second configuration data, wherein each mobile device is operable to maintain a communication link as the mobile device roams between communication cells (See col. 10, lines 13-16, col. 11, lines 45-54 and col. 4, lines 64-67). , wherein the step of maintaining configuration data for a plurality of mobile devices includes the steps of: storing in memory on the server an identification code for uniquely identifying each mobile device; wherein the configuration data corresponds to the identification code (See col. 7, 61-65, *database contains information related to service features, subscription plans, rate plans...*). However, Amin et al fails to teach explicitly teach automatically downloading configuration data.

Croome teaches automatic download of a service image (See paragraph [0015]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Croome in the claimed invention of Amin et al in order to provide automatic customization, optimization and adaptation of a wireless device (See paragraph [0014]).

b. As per claim 9, Amin et al teaches maintaining configuration data on a server coupled to a network, the method comprising the steps of: storing in memory on the server different configuration data for a plurality of different mobile devices (See col. 7, lines 61-65), wherein each mobile device is operable to maintain a communication link as the mobile device roams between communication cells (See col. 9, lines 52-65);

configuration data defining a user specified operational characteristic of each of the plurality of mobile devices (See col. 4, lines 64-67 and col. 15, lines 34-42), wherein the step of storing in memory on the server different configuration data for a plurality of mobile devices includes storing in memory an identification code for uniquely identifying each mobile device, and each configuration data corresponds to a respective identification code (See col. 7, lines 61-65). However, Amin et al fails to explicitly teach server automatically receiving, via the network, requests for the different configuration data from the different mobile devices, respectively; and the server automatically providing, via the network, the different configuration data to the different mobile devices, respectively

Croome teaches server automatically receiving, via the network, requests for the different configuration data from the different mobile devices, respectively; and the server automatically providing, via the network, the different configuration data to the different mobile devices, respectively (see paragraph [0015, 0018, 0021]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Croome in the claimed invention of Amin et al in order to provide automatic customization, optimization and adaptation of a wireless device (See paragraph [0014]).

c. As per claim 3, Amin et al teaches the claimed invention as described above. Furthermore, Amin et al teaches wherein the step of automatically connecting to the at least one server includes the steps of: transmitting to the server an identification code of

the respective mobile device; and retrieving by the server configuration data based on the transmitted identification code (See col. 7, lines 61-34 and col. 11, lines 45-55).

d. As per claims 4 and 11, Amin et al teaches the claimed invention as described above. Furthermore, Amin et al teaches a gateway for establishing remote communications between each mobile device and the server (See col. 6, lines 62-67, *GGSN, Gateway GPRS support Node)*.

e. As per claims 5 and 12, Amin et al teaches the claimed invention as described above. Furthermore, Amin et al teaches wherein the gateway is an internet connection (See col. 11, lines 33-41).

f. As per claim 7, Amin et al teaches the claimed invention as described above. However, Amin et al fails to explicitly teach the steps of: configuring the mobile device manually in the event of a failure of the automatic configuration (See col. 9, lines 20-25).

g. As per claim 8, Amin et al teaches the claimed invention as described above. However, Amin et al teaches wherein the step of configuring the mobile device manually further comprises the steps of: creating encrypted data, wherein the encrypted data includes an identifier, a time/date window, and configuration data ; entering the encrypted data into the mobile device; verifying that the identification code and the time/date window relative to the particular mobile device; and using the configuration

data to configure the mobile device, wherein the configuration is conditioned upon the verification of the identifier and the time/date window (See col. 9, lines 44-51).

h. As per claim 30, Amin et al teaches the claimed invention as described above. Furthermore, Amin et al teaches wherein the first mobile device and the second mobile device include a number of predefined features, and wherein automatically configuring the respective mobile devices includes configuring the first mobile device to enable access to a first number of features of the predefined number of features, and configuring the second mobile device to enable access to a second number of features of the predefined number of features, wherein the first number is different from the second number (See col. 4, lines 65-67, col. 7, lines 1-8, col. 15, lines 34-41).

i. As per claim 31, Amin et al teaches the claimed invention as described above. Furthermore, Amin et al teaches wherein automatically configuring the mobile devices includes enabling or disabling features of the mobile devices based on an intended or actual user of the respective mobile devices (See col. 15, lines 17-32).

j. As per claim 32, Amin et al teaches the claimed invention as described above. Furthermore, Amin et al teaches wherein enabling or disabling features of the mobile devices based on the intended or actual user includes enabling or disabling access to at least one of stock on hand, wholesale prices, retail prices, quantity on hand, or delivery dates of stock (See col. 16, lines 27-65).

k. As per claim 33, Amin et al teaches the claimed invention as described above. Furthermore, Amin et al teaches wherein the configuration data determines at least one of applications loaded on the mobile device, configuration of applications on the mobile device, access to different types of data, or functionality of the mobile device (See col. 7,lines 61-65 and col. 15, lines 34-41).

5. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,266371 to Amin et al in view of U.S. Publication 2005/0101309 to Croome et al and further in view of U.S. Publication No. 2003/0207685 to Rankin.

a. As per claim 6 and 13, Amin et al teaches the claimed invention as described above. However, Amin et al fails to teach wherein the gateway is an intranet connection.

Rankin teaches wherein the gateway is an intranet connection (See paragraph [0008]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Rankin in the claimed invention of Amin et al in order to localized the traffic.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DJENANE M. BAYARD whose telephone number is (571)272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM-3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Jr Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Djenane M Bayard/
Primary Examiner, Art Unit 2444